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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/884,698	Applicant(s) HIDAKA ET AL. ST	
	Examiner Yogesh C Garg	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/13/2004&6/14/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Overview

1. The applicant would like to make a note that while considering apparatus/system claims examiner has followed the guidance provided as per MPEP- 2114 Apparatus and Article Claims - Functional Language [R-1], which states :

“ APPARATUS CLAIMS MUST BE STRUCTU-RALLY DISTINGUISHABLE FROM THE PRIOR ART >While features of an apparatus may be recited either structurally or functionally, claims< directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function. >*In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971);< *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). “[A]pparatus claims cover what a device *is*, not what a device *does*.” *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original).”.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Sehr (US Publication 2002/0100803 A1).

Regarding claim 1, Sehr discloses a sales management system comprising:
a sales server for vending products via a communication network; and purchase terminals for accessing said sales server via a communication network and transmitting product purchase requests (see at least FIG.1 and paragraphs 0024-0049, page 7), wherein Sehr discloses transmitting purchase/reservation requests from a purchaser terminal "14" to a sales server [see Travel center 20 in Sehr] via a communication network 1234. In Sehr's system the purchaser terminal is capable of transmitting any other statements or information, irrespective of the fact that information or statements are related to reservations/purchase of transportation services/ cancellation/change requests and the Travel center 20, which corresponds to the claimed sales server is capable of managing information concerning the terms of a sale of product, like transportation services/tickets and receiving purchase requests or statements from purchasers. Sehr does not disclose that statements/information exchanged between the purchaser terminal and the sales server does not relate to product redemption but these limitations are inherent in Sehr as evidenced by transmitting and receiving

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statements/information relating to cancellation/return/exchange of tickets. In view of MPEP 2114, as stated above, Sehr anticipates the limitations of claim 1. Also, see paragraphs 0053, page 8-paragraph 055, page 9 and paragraph 006, page 10-page 11, paragraph 0071, page 11, paragraph 0073, page 12, paragraph 0081, page 13.

Regarding claim 2, its limitations are also anticipated by Sehr on the same basis as in claim 1 because Sehr's system shows exchanging agreement terms and conditions related to car-rental, passenger card, payment, see at least paragraphs 0052, 0095, 0100, 0118, 0120, 0122 and 0129 and therefore it would be inherent in the Sehr's system to exchange information related cancellation/return/exchange of tickets /redemption of tickets and also the sales server being able to redeem the returned/cancelled tickets and resell them to other purchasers.

Regarding system claims 3 and 4, their limitations are closely parallel to the system claims 1 and 2. In Sehr, the Travel center "20" and the purchaser terminal, "14" corresponds to the claimed management server and the sales terminal respectively. In Sehr, the passenger access terminal 14 to communicate with the Travel center 20 and sales terminal 14 communicates all information received from the passengers via an interface to the management server. Therefore, claims 3 and 4 are analyzed and rejected, as being anticipated by Sehr, on the same basis as claims 1-2.

Regarding claims 5-8, their limitations are closely parallel to the system claims 1 and 2. In Sehr, the Travel center "20" and the purchaser terminal, "14" corresponds to

the claimed management server and the sales terminal respectively. In Sehr, the passenger access terminal 14 to communicate with the Travel center 20 and sales terminal 14 communicates all information received from the passengers via an interface to the management server. In Sehr, the system is capable of providing predetermined privileges back to the purchaser who permitted redemption of the tickets by either returning/canceling them and further dynamically changing said information concerning said privileges provided in accordance with predetermined conditions, see paragraphs 0082, 0109, 0116 and 0120 which disclose updating databases in real-time for any change in tickets/reservation/payment statuses. Therefore, claims 5-8 are analyzed and rejected, as being anticipated by Sehr, on the same basis as claims 1-2

Regarding claims 9-10, the limitation, of management means for receiving a predetermined purchase request for a product and redeeming said product from a purchaser is already covered in claims 5-8. Sehr also discloses the limitations of storage means for storing information about the products/tickets being sold/cancelled/returned and that the storage means stores information governing the conditions of redemption of products/tickets, see at least paragraphs 0052, 0082, 0095, 0100, 0109, 0016, 0118, 0120, 0122 and 0129, which disclose that store information related to terms and conditions for car-rental, passenger card, payment, and updating databases in real-time for any change in tickets/reservation/payment statuses. Therefore, claims 9-10 are analyzed and rejected, as being anticipated by Sehr, on the same basis as claims 5-8.

Regarding claim 11, the structural limitations of the sales management server are directed to purchase request acceptance means for accepting purchase request and management means for managing sale of products and both of these limitations are already covered in claim 5 above and is therefore analyzed and rejected on the same basis. Regarding intended functions of the purchase request accept means to offer substitution for products and to get confirmation for accepting the same is suggested by Sehr, see at least paragraph 0040 on page 4. Sehr teaches to accept exchanges and cancellations which inherently implies that the Travel center 12 (corresponds to purchase accept means) is capable of performing the intended functions of accepting redemption from one purchaser and selling the redeemed ticket to another purchaser, as recited in the claim 11. Therefore, claim 11 is analyzed and rejected on the same basis as claim 5.

Regarding claims 12-14, their limitations are closely parallel to the limitations already covered in claims 1-11 above and are, therefore, analyzed and rejected on the same basis. As regards the limitation related to reservation, Sehr teaches accepting reservation requests, changing/canceling reservations, see at least paragraphs 0025-0026, 0032, 0039, 0041, and 0047, 0054-0055, 0066, 0071, 0108 and 0116.

Regarding claims 15-17, Sehr teaches a product purchase terminal (see FIG.1, and paragraph 0036, "*the computing platform 14*")comprising:

purchase request transmission means for transmitting a purchase request to a sales management system for accepting, via a communication network, a product

purchase request (see FIG.1, and paragraph 0036, *"the computing platform 14"*);

input means for entering data required to issue said purchase request; and
output means for presenting information required for the issue of said purchase request, wherein said input means accepts identification information indicating that a request to redeem a product for which said purchase request is submitted will be complied with, and wherein said purchase request transmission means will transmit, to said sales management system, said identification information accepted by said input means, wherein said input means accepts conditions for the redemption of a product, and said purchase request transmission means transmits to said sales management system said redemption conditions accepted by said input means and a predetermined privilege is provided for said purchaser; and wherein said output means presents a privilege to be provided, in accordance with said redemption conditions entered by said input means. (see at least paragraph 0042, page 5, "
The user interface module [2]... To select the instructions and input or output data, various means, such as a keyboard, mouse, pen, track ball, voice command, touch screen, or wireless communications technologies, can be used.....". As regards identification information, see paragraphs, 0017, 0052, 0054, 0057, 0062, 0069-0070, 0074, 0083-0084, 0095). In Sehr, the Travel center 20 accepts exchanges/cancellation/returns of tickets, as already analyzed in claims 1-11 above and therefore it is evident that the Travel center 20 can provide the predetermined privilege in lieu of the exchange/return/ cancellation/redemption of the ticket. Sehr discloses a monitor/screen, see paragraph 0042 and a printer " 15", see FIG.1, paragraph 0037, which can presents a privilege to be provided, in accordance with said redemption conditions entered by said input means.

Regarding storage medium claim 21, its limitations are already covered in the limitations recited in system claims 1-11. Sehr teaches receiving inquiries for redemption of tickets, accepting requests for redemptions and see and are therefore analyzed and

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr.

Regarding claims 18-21, Sehr discloses the system elements required to implement the limitations in claims 18-21, as already analyzed in claims 1-11 above.

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Sehr further teaches accepting requests for exchanges/cancellation of tickets already purchased under the set conditions of redemption of tickets by examining and satisfying that the identification codes for authentication of the purchasers are verified, see at least paragraphs 0032, (“ ... *The database data includes, for example, application codes, card and system file templates, menu screens, and user interface modules. The database data further includes the name, mailing/business address, telephone number, and other data about the transport provider and the passenger. The database also comprises unique identification numbers for the passengers or providers, account numbers with financial institutions, security keys and access codes used for cryptographic purposes and protection schemes, passenger lists and negative files including cancelled or fraudulent account numbers, and various validation codes. These latter codes are associated with the tickets or services, which are requested by the passengers and delivered by the provider, for proof and authentication of products/services being rendered, including returned by passengers for exchange or for money-back purposes.* “.) and 0041.

Sehr does not disclose explicitly providing the redeemed product to a purchase applicant who issued different purchase request and providing a replacement product to the purchaser from whom the product was redeemed . However, Sehr teaches that his system is capable of allowing the purchasers to request and reserve tickets/seats as per his choice and make further modifications and exchanges , see paragraphs 0032, 0041, and 0055. In view of Sehr system which allows the users to exchange/cancel the tickets/seats and make modifications it would be obvious to one of an ordinary skill in the art to provide the redeemed ticket, that is returned or cancelled tickets by one purchaser, to another purchaser who is already looking to buy or modify his tickets/seats and to provide a replacement ticket in exchange to the purchaser who returned or wanted to exchange the ticket. Doing so would enable the

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companies to allow purchasers the flexibility to change the tickets/seats as per their requirements even after buying earlier and further helps the companies to sell maximum tickets by reselling the redeemed/returned tickets/seats or providing replacement tickets/seats.

Regarding storage medium claim 21, its limitations are closely parallel to the limitations recited in method claims 18-21 and, therefore, it is analyzed and rejected on the same basis.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Publication 20040015404 A1 to McCarthy discloses a method and a system such that a consumer purchases one or more tickets across a computer network, and then prints the ticket or tickets using a desktop printer and while purchasing the ticket across the computer network the consumer can further include providing ticket selection information across the network from a computer and transmitting ticket printing information across the network back to the computer (see at least abstract).

(ii) US Patent, 6,496,809 to Nakfoor teaches " a method of electronically exchanging tickets for an event in a secondary market from ticket sellers to ticket buyers located at remote terminals. The method comprises associating the tickets with

authentication data of the ticket seller, receiving from ticket sellers electronic asks comprising an ask quantity and an ask price, receiving from a ticket buyer an electronic bid comprising a bid quantity and a bid price, comparing the bid to the asks, completing a transfer of the tickets when the bid price equals the ask price and the ask quantity is equal to or greater than the bid quantity, and reassociating the tickets with authentication data of the ticket buyer. Also disclosed is a system for performing the method. " (see abstract).

(iii) Press release, " Money Tip/Consumer guide can help you fly right"; Houston Chronicle (pre-1997 Fulltext); Houston, Texas; Nov 11, 1996, pg.1 extracted on Internet from Proquest database on 9/7/2004 discloses getting partial refund for cancelled or delayed flights.

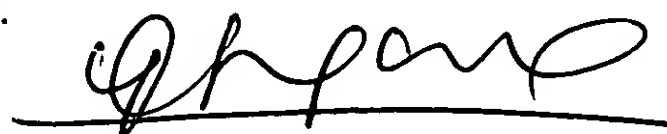
(iv) Derwent-Account NO: 1999-214392 (US Patent 5,884,277) to Khosla teaches automatically issuing redeemable coupons for goods and services purchased online (see at least abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
September 3, 2004